UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,601	01/20/2000	Evgeniy M. Getsin	IACTP016	6034

22242	7590	11/15/2005

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EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/489,601	GETSIN ET AL.
	Examiner	**Art Unit**	
	Andrew Y. Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 September 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15 and 17</u> is/are rejected.

7)☒ Claim(s) <u>16 and 18</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>see cont. sheet</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Attachment(s): 3) Information Disclosure Statement(s): 9/2/05,9/7/05,10/20/05

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see pg. 6-7, filed 02 September 2005, with respect to

claims 1-15 have been fully considered and are persuasive. The rejection of claims 1-

15 under 35 U.S.C. 112, first paragraph has been withdrawn.

With respect to the rejection under U.S.C. 112, first paragraph, the applicant

argues that the application describes a host server may be synchronizing more than

one event at once" and that the host distinguishes and/or ascertains whether events are

stored on client apparatuses." The examiner disagrees with this conclusion as alleged

by the applicant. As disclosed in the specification, "**Each of the events is assigned a**

unique identifier which is stored in the memory" and that "In operation 904, the

identifier of the event which is stored in the memory of the client apparatuses is then

retrieved utilizing the network" (see specification: pg. 32, ll. 7-8, pg. 38, ll. 15-17).

Nowhere in the sections relied upon by the applicant (pg. 32, ll. 4-12 and figure 9) does

the specification explicitly support the claimed limitation of "ascertaining whether the

client apparatuses have the event stored in memory," however it is recognized that the

identifier of the event is ascertained (as disclosed on pg. 32, ll. 4-17), and that each

event has an identifier. Consequently, by determining an identifier, the system identifies

an event.

By applicant further argues that a comparison of the retrieved stored event

identifier and the schedule event identifier allows the claimed systems and/or methods

to ascertain "whether the client apparatuses have the event stored in memory as

claimed." Consequently the applicant argues that ascertaining whether the client

apparatuses have the event stored in memory by at least retrieving the unique

identifiers when the client apparatuses have predefined content stored and verifying the

content matches with a schedule event.

Allowable Subject Matter

2.   Claims 16 and 18 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson, U.S. Patent No. 5,825,876 (of record) in view of Faris et al. (Faris), U.S.

Patent Publication No. US 2002/0026321 A1.

Regarding **claims 1, 6 and 11**, Peterson discloses a method,

corresponding computer program and corresponding system for identifying a

plurality of events which are played back on a plurality of networked client

apparatuses (col. 2, lines 26-41), comprising

> (a) providing a plurality of events stored in memory (medium **10**) on a
>
> plurality of client apparatuses (controller **14**; see col. 2, lines 46-54
>
> disclosing system methodology including multiple consumers,
>
> comprising multiple events and client apparatuses), an
>
> authorization granted message that includes a unique identifier (24)
>
> of the secured content which is stored, along with the start time
>
> (col. 8, ll. 32-39) the events each having a unique identifier
>
> associated therewith and stored in memory (identifier **24**; see col. 5,
>
> lines 30-35), wherein the client apparatuses are adapted to be
>
> coupled to a host computer (authorization center **16**) via a network
>
> (PTSN **18**; see col. 8, lines 13-16);
>
> (b) ascertaining the identifier of the event stored in memory of the
>
> client apparatuses utilizing the network (col. 8, lines 18-27, col. 8, ll.
>
> 32-39, disclosing transmission of identifier **24** to server **60** and
>
> return of authorization granted message comprising identifier **24** of
>
> secured content **28**); further, Peterson teaches ascertaining
>
> whether the client apparatuses have the event stored in memory in
>
> that Peterson teaches ascertaining the identifier of the event stored
>
> in memory, wherein Peterson teaches an event such as content on
>
> a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an

event identifier of Peterson teaches a ascertaining whether the

client apparatuses have the event stored in memory.

(c)   comparing the authorization grant message (comprising the

identifier) with an identifier of a scheduled event (col. 8, lines 23-26;

col. 8, lines 41-47 describing the scheduled (premier) event time

and date; see col. 8, line 66 - col. 9, line 5 describing comparison of

content **28** associated with identifier **24** to authorization list **56**),

wherein an identifier of a scheduled event is a time; and

(d)   beginning playback of the event on each of the client apparatuses if

the comparison renders a match (col. 9, lines 18-21; see col. 2,

lines 54-58, disclosing playback on or after premier event time),

further, Peterson teaches ascertaining the identifiers, which refers

to content stored, and thus equates to ascertaining that the client

apparatus has the predefined content ed stored and that the

comparison (as taught in step (c)) renders a match.

Although Peterson discloses the period for playback beginning

simultaneously (e.g., common premier time), Peterson fails to specifically

disclose beginning playback of the event simultaneously.

However, Faris, in an analogous art, teaches simultaneously beginning

the playback of an event, where an event may comprise stored audio-video

content and the execution of programs, on a plurality of client devices in

response to trigger data transmitted to the client devices from a server

(paragraph 137, describing purpose of GSU unit **175** in conjunction with client

device **160** (see Figs. **1** and **2C**) to perform actions in response to precise time

conditions; paragraph 138, describing triggers to synchronize execution of audio-

video content and programming content on client devices, where triggers to

execute content on a client device inherently discloses a comparison of an

identifier; see paragraph 142, suggesting application to any task where precise

triggering of timed events is required) for the benefit of providing synchronized

presentation of content for each of the plurality of network connected devices.

Accordingly, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the playback of Peterson to

incorporate beginning the playback of the event simultaneously, as taught by

Faris, for the benefit of providing synchronized presentation of content for each of

the plurality of network connected devices in a method for playing back events.

Peterson teaches storing the event beforehand, and ascertaining the

identifier of the event stored in memory, wherein Peterson teaches an event such

as content on a DVD or CD-ROM (col. 5, ll. 18-35), therefore, the existence of an

event identifier of Peterson teaches a ascertaining whether the client

apparatuses have the event stored in memory.

Claims 2, 7, and 12 are encompassed by the teachings of Peterson in

view of Faris (as discussed above). Specifically, Peterson discloses the event

including a video and audio presentation (col. 2, lines 46-50).

Claims 3, 8, and 13 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the event including a movie (col. 2, lines 46-50).

Claims 4, 9, and 14 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses a wide area network (PTSN **18**, col. 8, lines 12-17).

Claims 5, 10, and 15 are encompassed by the teachings of Peterson in view of Faris (as discussed above). Specifically, Peterson discloses the memory including a digital video disk (col. 5, lines 24-27).

Regarding Claim 17, Peterson and Faris are discussed in claim 1; Peterson and Faris are silent on receiving a request of playback by a late arrival client to participate in the simultaneous playback and synchronizing the client to the simultaneous playback. Official Notice is taken that joining programming already in progress by receiving a request is well known in the art, such as joining a multicasting group, thereby synchronizing the late arrival client apparatus to the simultaneous playback of the event. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peterson and Faris by joining programming already in progress by

receiving a request in order to synchronize playback of the late arrival client to the other devices for the benefit of enabling the user to device to access information and coordinate the display of data to users.
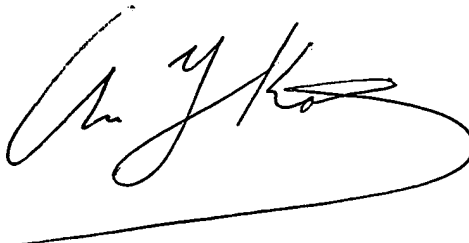
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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